

# Greenberg Traurig

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October 17, 2005

## VIA ELECTRONIC FILING

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation in CC Docket Nos. 96-45, 98-171, 92-237,  
99-200, 95-116, 98-170, and NSD File No. L-00-72

Dear Ms. Dortch:

On October 17, 2005, F. J. Pollak, President and Chief Executive Officer of TracFone Wireless, Inc., and I met with Chairman Kevin Martin, his Legal Advisor, Michelle Carey, and with Anthony Dale, of the Wireline Competition Bureau Telecommunications Access Policy Division.

During the meeting, we reiterated positions TracFone has taken in its filed comments and prior ex parte submissions in the Universal Service Contribution Methodology proceeding. Specifically, we discussed why replacement of a revenues-based contribution methodology with a methodology based on working telephone numbers would produce significant dislocations to providers of prepaid wireless services and consumers of the services provided by prepaid wireless carriers. We also discussed the importance of addressing the unique circumstances of the prepaid wireless industry in any plan which revises the contribution methodology. In response to a question from Chairman Martin regarding whether the current 28.5 percent wireless "safe harbor" accurately reflects interstate usage of wireless service, we referred to, and provided the attendees with, a study prepared by TNS Telecoms for TracFone. That study was entered into the record of the above-captioned proceedings in a TracFone ex parte filing dated February 23, 2005. The TNS Telecoms data show that, based on a sample of residential consumers' wireless invoices, interstate usage is well above 28.5 percent. We also discussed the circumstances applicable to the prepaid wireless service industry segment which would cause it and its customers to suffer significant increases in

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their levels of Universal Service funding if a contribution methodology based solely on working telephone numbers were applied to that segment.

Pursuant to Section 1.1206(b) of the Commission's rules, this notice is being filed electronically in the above-captioned dockets. If you have questions regarding this matter, please communicate directly with undersigned counsel for TracFone.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Brecher', with a long horizontal flourish extending to the right.

Mitchell F. Brecher

cc: The Honorable Kevin Martin  
Ms. Michelle Carey  
Mr. Anthony Dale